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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,795	03/11/2004	Kevin M. Kilbuck	400.212US01	5635
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LEFFERT JAY & POLGLAZE, P.A.			EXAMINER	
P.O. BOX 581009			PATEL, HETUL B	
MINNEAPOLIS, MN 55458-1009				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,795

Applicant(s)

KILBUCK ET AL.

Examiner

HETUL PATEL

Art Unit

2186

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13-33, 36-51, 54-66 and 69-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-33, 36-51, 54-66 and 69-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/01/2008 has been entered.
2. Claims 11-12, 34-35, 52-53, 67-68 and 86-87 are cancelled; claims 1, 22, 27, 45, 60, 75, 79, 94, 96, 98 and 99 are amended; and none of the claims are newly added. Therefore, claims 1-10, 13-33, 36-51, 54-66 and 69-99 are currently pending in this application.
3. Applicant's arguments filed on 02/01/2008 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-7, 10, 13, 17-31, 39-49, 54-62, 65, 70-76, 78-81, 84 and 89-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stobbs et al. (USPN:

2004/0039871) hereinafter, Stobbs in view of Zitlaw et al. (USPN: 2004/0128425) hereinafter, Zitlaw.

As per claim 1, Stobbs teaches a non-volatile memory device (i.e. 100 in Fig. 3) comprising:

- a non-volatile memory array (i.e. 102 in Fig. 3);
- a buffer memory (i.e. 182 in Fig. 3);
- a external synchronous memory interface (i.e. 58 in Fig. 2); and
- a controller (i.e. 172 in Fig. 3) coupled to the non-volatile memory array, the buffer memory, and the synchronous memory interface, wherein the controller is adapted to interface to and manage the non-volatile memory array and buffer memory and to present the non-volatile memory device as a synchronous memory device through the external synchronous memory interface (e.g. see Figs. 2-3 and paragraph [0033]).

However, Stobbs does not teach that the external synchronous interface is one of a SDRAM interface, a DDR interface, a DDR2 interface, GDDR interface, GDDR2 interface, and RDRAM interface; and the non-volatile memory device is adapted to present through the synchronous interface as one of a compatible read/write capable SDRAM device, a DDR device, a DDR2 device, a GDDR device, a GDDR2 device, and a RDRAM device. Zitlaw, on the other hand, teaches that the synchronous interface is a SDRAM interface memory bus (i.e. 154 in Fig. 1B), and the non-volatile memory device is adapted to present through the synchronous interface as SDRAM or DDR-SDRAM (160 in Fig. 1B). Accordingly, it would have been obvious to one of ordinary

skills in the art at time of the current invention was made to use SDRAM and the SDRAM interface taught by Zitlaw in the memory device taught by Stobbs. In doing so, it improves the speed/performance of the non-volatile memory device.

As per claims 2-3 and 6, the combination of Stobbs and Zitlaw teaches the claimed invention as described above and furthermore, Stobbs teaches about buffering read and write data accesses to the non-volatile memory array in the buffer memory (e.g. see paragraph [0048]).

As per claims 4 and 7, the combination of Stobbs and Zitlaw teaches the claimed invention as described above, but both of them failed to teach about buffering read data accesses in a least recently used manner and write data accesses in a write-through manner. However, it is well known and notorious old in the art that by buffering read data accesses in a least recently used manner and write data accesses in a write-through manner reduces the data latency and improves the overall performance of the memory device. The common knowledge or well-known in the art statement is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice made in the previous Office Action (see MPEP 2144.03 (C)).

As per claim 10, the combination of Stobbs and Zitlaw teaches the claimed invention as described above and furthermore, Stobbs teaches that the non-volatile memory array (i.e. 102 in Fig. 3) of the non-volatile memory device (i.e. 100 in Fig. 3) is a Magnetoresistive Random Access Memory array (MRAM), Molecular Memory array, and Carbon Nanotube Memory array (e.g. see paragraph [0033] and Fig. 3).

As per claim 13, the combination of Stobbs and Zitlaw teaches the claimed invention as described above and furthermore, Zitlaw teaches that the non-volatile memory device is adapted to act as a BIOS boot memory device (i.e. the synchronous flash boot memory, 168 in Fig. 1B) (e.g. see paragraph [0037] and Fig. 1B).

As per claim 17, the combination of Stobbs and Zitlaw teaches the claimed invention as described above and furthermore, Zitlaw teaches that the SDRAM (i.e. 160 in Fig. 1B) is coupled to the controller (e.g. see Fig. 1B).

As per claims 18 and 19, the combination of Stobbs and Zitlaw teaches the claimed invention as described above and furthermore, Zitlaw teaches that the controller is adapted to selectively couple the DRAM memory array (using the chip select lines) to the synchronous memory interface; and selectively copy data from the non-volatile memory array and remap addresses of one or more DRAM memory array section to the synchronous memory interface to operate as "shadow" memory (e.g. see paragraph [0008]).

As per claims 20 and 21, the combination of Stobbs and Zitlaw teaches the claimed invention as described above and furthermore, Zitlaw teaches that the controller is adapted to operate the DRAM memory array (i.e. 160 in Fig. 1B) as (i) an extended read and/or write data buffer memory (i.e. 156 in Fig. 1B); and (ii) as "scratch pad" memory, i.e. the temporary or cache memory (e.g. see paragraph [0008] and Fig. 1B).

As per claims 22, 27, 44-45, 60, 75, 79, 94, 96 and 98-99, see arguments with respect to the rejection of claim 1. Claims 22, 27, 44-45, 60, 75, 79, 94, 96 and 98-99 are also rejected based on the same rationale as the rejection of claim 1.

As per claims 23, 29 and 47, see arguments with respect to the rejection of claim 2. Claims 23, 29 and 47 are also rejected based on the same rationale as the rejection of claim 2.

As per claims 24, 30, 48, 62, 76 and 81, see arguments with respect to the rejection of claim 3. Claims 24, 30, 48, 62, 76 and 81 are also rejected based on the same rationale as the rejection of claim 3.

As per claim 25, see arguments with respect to the rejection of claim 4. Claim 25 is also rejected based on the same rationale as the rejection of claim 4.

As per claims 26, 31, 49, 65, 78 and 84, see arguments with respect to the rejection of claim 6. Claims 26, 31, 49, 65, 78 and 84 are also rejected based on the same rationale as the rejection of claim 6.

As per claims 28, 46, 61, 80, 95 and 97, see arguments with respect to the rejection of claim 10. Claims 28, 46, 61, 80, 95 and 97 are also rejected based on the same rationale as the rejection of claim 10.

As per claim 54, see arguments with respect to the rejection of claim 13. Claim 54 is also rejected based on the same rationale as the rejection of claim 13.

As per claims 39-43, see arguments with respect to the rejection of claims 17-21. Claims 39-43 are also rejected based on the same rationale as the rejection of claims 17-21, respectively.

As per claims 55-59, see arguments with respect to the rejection of claims 17-21. Claims 55-59 are also rejected based on the same rationale as the rejection of claims 17-21, respectively.

As per claims 70-74, see arguments with respect to the rejection of claims 17-21. Claims 70-74 are also rejected based on the same rationale as the rejection of claims 17-21, respectively.

As per claims 89-93, see arguments with respect to the rejection of claims 17-21. Claims 89-93 are also rejected based on the same rationale as the rejection of claims 17-21, respectively.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stobbs in view of Zitlaw, further in view of Widdup (USPN: 6,651,148).

As per claim 5, the combination Stobbs and Zitlaw teaches the claimed invention as described above. However, none of them teaches that the controller is adapted to buffer a current data block to the non-volatile memory array in the buffer memory while accessing a sequentially following data block from the non-volatile memory array. Widdup, on the other hand, teaches about buffering both the read and write data (blocks) in the (buffer) memory to achieve the maximum bandwidth of the high-speed controller (e.g. see Col. 4, line 65 –Col. 5, line 1). Accordingly, it would have been obvious to one of ordinary skilled in the art at the time of the current invention was made to implement the teachings of Widdup in the memory device taught by the combination

Stobbs and Zitlaw so the maximum bandwidth of the high-speed controller can be achieved.

6. Claims 8, 32, 50, 63-64, 77 and 82-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stobbs in view of Zitlaw, further in view of Wallace et al. (USPN: 6,628,537) hereinafter, Wallace.

As per claim 8, the combination Stobbs and Zitlaw teaches the claimed invention as described above. However, none of them teaches that the non-volatile memory device is adapted to indicate when the non-volatile memory device is busy by changing the status of one of an external "ready/busy" pin and a status register. Wallace, on the other hand, teaches that when the memory system is in process of executing a command and cannot receive another, a BUSY signal is written in the status register (i.e. 223 in Fig. 16) so the host computer wait until the current command/instruction is finish executing before sending the next one. Accordingly, it would have been obvious to one of ordinary skilled in the art at the time of the current invention was made to implement the teachings of Wallace in the memory device taught by the combination Stobbs and Zitlaw so the possible data corruption is avoided.

As per claims 32, 50, 63-64, 77 and 82-83, see arguments with respect to the rejection of claim 8. Claims 32, 50, 63-64, 77 and 82-83 are also rejected based on the same rationale as the rejection of claim 8.

7. Claims 9, 33, 51, 66 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stobbs in view of Zitlaw, further in view of Meyer (USPN: 4,065,862).

As per claim 9, the combination Stobbs and Zitlaw teaches the claimed invention as described above. However, none of them teaches that the non-volatile memory device is adapted to indicate when the buffer memory device is full by asserting one of an external "ready/busy" pin and a status register. Meyer, on the other hand, teaches about asserting BUFFER FULL signal from the status register (i.e. 56 in Fig. 2), which would stop additional data to be sent to the buffer. Accordingly, it would have been obvious to one of ordinary skilled in the art at the time of the current invention was made to implement the teachings of Wallace in the memory device taught by the combination Stobbs and Zitlaw so the possible data corruption is avoided by pausing the additional data transfer to the buffer memory while the buffer memory is full.

As per claims 33, 51, 66 and 85, see arguments with respect to the rejection of claim 9. Claims 33, 51, 66 and 85 are also rejected based on the same rationale as the rejection of claim 9.

8. Claims 14 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stobbs in view of Zitlaw, further in view of Bartoli et al. (USPN: 6,442,068) hereinafter, Bartoli.

As per claim 14, the combination of Stobbs and Zitlaw teaches the claimed invention as described above, but failed to teach that the non-volatile memory is adapted to have a burst data access mode. However, Bartoli teaches that the non-

volatile memory is adapted to have a burst data access mode (e.g. see Col. 2, lines 11-15). Accordingly, it would have been obvious to one of ordinary skilled in the art at the time of the current invention was made to utilize the burst data access mode in the non-volatile memory as taught Bartoli in the memory device taught by the combination of Stobbs and Zitlaw. In doing so, (i) more data can be retrieved on each access; and (ii) it saves the bandwidth on the memory bus by sending less number of requests to the memory. Therefore, it is being advantageous.

As per claim 36, see arguments with respect to the rejection of claim 14. Claim 36 is also rejected based on the same rationale as the rejection of claim 14.

9. Claims 15-16, 37-38, 69 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stobbs in view of Zitlaw, further in view of the 'Background of the Invention' section of the current application, hereinafter, BOI.

As per claims 15 and 16, the combination of Stobbs and Zitlaw teaches the claimed invention as described above, but failed to teach that the controller is adapted to generate and evaluate ECC data. BOI, however, teaches that the controller of the flash memory generates the ECC code so the errors of the flash memory can be addressed by the OS/host/driver/firmware and/or the file system that the flash memory system formatted with (e.g. see paragraph [0005]). Accordingly, it would have been obvious to one of ordinary skilled in the art at the time of the current invention was made to generate and evaluate the ECC data by the controller as taught by BOI in the memory device taught by the combination of Stobbs and Zitlaw for the benefit(s) stated

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above. The further limitation of generating the ECC code in a hardware circuit is inherently present in the BOI because there has to be a hardware circuit present in order to generate the EC code.

As per claims 37, 69 and 88, see arguments with respect to the rejection of claim 15. Claims 37, 69 and 88 are also rejected based on the same rationale as the rejection of claim 15.

As per claim 38, see arguments with respect to the rejection of claim 16. Claim 38 is also rejected based on the same rationale as the rejection of claim 16.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Charlier et al. (USPN: 2002/0114211), "Asynchronous flash-EEPROM behaving like a synchronous RAM/ROM"

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HETUL PATEL whose telephone number is (571)272-4184. The examiner can normally be reached on 8:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hetul Patel/
Hetul Patel
Patent Examiner
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